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12 MOBILE HOME PARK LP (erroneously
13 sued as "CAPRI APARTMENTS AT
14 ISLA VISTA")

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

17 JUNAN CHEN, KELLY YAO WANG,
18 CHANGSHUANG WANG,
19 JINSHUANG LIU, LICHU CHEN, and
20 WENQUEI HONG,

21 Plaintiffs,

22 v.

23 COUNTY OF SANTA BARBARA;
24 SANTA BARBARA COUNTY
25 SHERIFF'S DEPARTMENT; CAPRI
26 APARTMENTS AT ISLA VISTA;
27 ASSET CAMPUS HOUSING, and
28 DOES 1 through 200, Inclusive,

Defendants.

Case No. 2:15-CV-01509 JFW (JEMx)

**JOINT STATEMENT OF
COUNSEL PURSUANT TO § 5(b)
OF THE COURT'S STANDING
ORDER [DOC. 7] RE: DEFENDANT
CAPRI'S MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

The Hon. John F. Walter

Trial Date: Not Set

TO THE COURT, AND TO ALL PARTIES AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:

In accordance with C.D. Cal. LR 7-3 and section 5(b) of this Court's
"Standing Order" of March 5, 2015 (Doc. 7), on May 26, 2015, Attorney
Christopher Kanjo of Manning & Kass Ellrod Ramirez & Trester LLP on behalf of
defendant HI DESERT MOBILE HOME PARK LP (erroneously sued as "CAPRI

1 APARTMENTS AT ISLA VISTA") ("defendant Capri"), and Attorney Patrick
2 McNicholas and Attorney David Angeloff of McNicholas & McNicholas LLP, on
3 behalf of plaintiffs JUNAN CHEN, KELLY YAO WANG, HANGSHUANG
4 WANG, JINSHUANG LIU, LICHU CHEN, and WENQUEI HONG ("plaintiffs")
5 met and conferred by telephone to discuss defendant Capri's motion to dismiss
6 plaintiffs' first amended complaint.

7 Specifically, counsel for the respective parties discussed the issue of the
8 sufficiency of plaintiffs' allegations to demonstrate whether defendant Capri had
9 actual notice of prior incidents involving the assailant Elliot Rodger ("Rodger") in
10 order to impose a duty upon defendant Capri to protect plaintiffs' decedents from
11 Rodger's criminal actions. The position of defendant Capri's counsel is that the
12 allegations purporting to demonstrate that defendant Capri had actual knowledge are
13 conclusory and without sufficient factual support. The position of plaintiffs' counsel
14 is that their allegations are factually specific and sufficient to constitute a cause of
15 action for negligence against defendant Capri.

16 This conference of counsel lasted approximately 12 minutes, with plaintiff's
17 counsel agreeing to make a further review of the complaint in light of the
18 conversation. (It is also noted that this was the second meet and confer on the issue
19 of the sufficiency of the allegations, the first having been held on May 6, 2015,
20 resulting in a Stipulation and proposed Order to file a First Amended Complaint
21 (Docs. 29, 29-1).) After his further review, Attorney McNicholas advised Attorney
22 Kanjo via email of plaintiffs' position. Counsel for the respective parties were

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1 unable to resolve their differences on the issue, and it was acknowledged and
2 understood that defendant would file a motion to strike on May 27, 2015.

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4 DATED: May 27, 2015

McNICHOLAS & McNICHOLAS, LLP
BECKER LAW GROUP

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7 By: s/Patrick McNicholas
Patrick McNicholas, Esq.
David Angeloff, Esq.
Attorneys for Plaintiffs,
JUNAN CHEN, KELLY YAO WANG,
10 CHANGSHUANG WANG, JINSHUANG
11 LIU, LICHU CHEN, and WENQUEI
12 HONG

13
14 DATED: May 27, 2015

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

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16
17 By: /s Christopher A. Kanjo
Christopher A. Kanjo, Esq.
Attorneys for Defendant
18 HI DESERT MOBILE HOME PARK LP
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20 APARTMENTS AT ISLA VISTA")
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MANNING & KASS
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ATTORNEYS AT LAW